

Executive Registry

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Routing Slip

TO:

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10	GC			20			

SUSPENSE

Date

Remarks:

There is an intel job to be done here -
Pls advise IC, &
especially alert DIA
(DAO's + MAAG's) & NSA,
plus DDO & ^{State} of course

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DCI/DDCI

10/18/74

0la 74-2251

Continuing Appropriations, H.J. Res. 1167

Congressional Record, 17 October 1974

Pages H 10675-6; S 19416

H.J. Res. 1167

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clause (c) of section 102 of the joint resolution of June 30, 1974 (Public Law 93-324), is hereby amended by striking out "September 30, 1974" and inserting in lieu thereof "sine die adjournment of the second session of the Ninety-third Congress".

(b) Clause (a) of such section is amended by inserting immediately after "joint resolution" the following: "or, in the case of the United States Information Agency, enactment of authorizations of appropriations for fiscal year 1975 for that Agency".

Sec. 2. Section 101(e) of such joint resolution is amended by striking out "first quarter" and inserting in lieu thereof "quarterly".

Sec. 3. The fourth unnumbered clause of section 101(b) of such joint resolution, relating to foreign assistance and related programs appropriations, is amended by striking out all that follows "as amended" and inserting in lieu thereof: "Provided, That in computing the current rate of operations of military assistance there shall be included the amount of obligations incurred in Department of Defense appropriations during the fiscal year 1974 for military assistance to Laos".

Sec. 4. Such joint resolution is amended by adding at the end thereof the following new section:

"SEC. 112. Notwithstanding any other provision of this joint resolution or any other Act, the President is authorized to use funds made available for foreign assistance by this joint resolution but not to exceed \$15,000,000, to provide, on such terms and conditions as he may determine, relief, rehabilitation, and reconstruction assistance in connection with the damage caused by floods in Honduras Bangladesh and by civil strife in Cyprus."

Sec. 5. Such joint resolution is amended by adding at the end thereof the following new section:

Sec. 113. None of the funds made available for foreign assistance by this joint resolution may be used to purchase fertilizer in the United States for export to South Vietnam.

Sec. 6. None of the funds herein made available shall be obligated or expended for military assistance, or for sales of defense articles and services (whether for cash or by credit, guarantee, or any other means) or for the transportation of any military equipment or supplies to Turkey until and unless the President certifies to the Congress that the Government of Turkey is in compliance with

the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus: *Provided*, That the President is authorized to suspend the provisions of this section and said acts if he determines that such suspension will further negotiations for a peaceful solution on the Cyprus conflict. Any such suspension shall be effective only until December 10, 1974, and only if, during that time, Turkey shall observe the ceasefire and shall neither increase its forces on Cyprus nor transfer to Cyprus any U.S. supplied implements of war.

Senator Eagleton:

The PRESIDING OFFICER. The joint resolution is open to amendment.

Mr. EAGLETON. Mr. President, may I address one question to the distinguished majority leader?

Am I correct in understanding that it is the position of the distinguished majority leader that this permission to ship military equipment to Turkey, under the restrictions as provided in the amendment, is a one-time and one-time-only permission?

Mr. MANSFIELD. Yes.

CONGRESS CHANGES U.S. CYPRUS POLICY

Mr. EAGLETON. Mr. President, it appears that the long debate on this subject is drawing to an end. I do not feel it is an exaggeration to state that Congress has won a very significant victory. It must now be said that the Congress of the United States is placing its imprint on America's Cyprus policy.

As I said in debate yesterday, Congress should not allow any American supplied weapon of war to go to the island of Cyprus. If we allow that to occur, the United States would be actively participating in the occupation of that island by rearming the Turkish forces there. Under the language adopted by the House colleagues this morning—no implement of war will be allowed to be transshipped from Turkey to the Island of Cyprus.

As author of the prohibition on the transfer of "any U.S. supplied implements of war" to Cyprus, I would like to state for the record the meaning of that phrase. As my colleagues know, the term "implement of war" is a term of art which is meant to include any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war. By "any other implement of war" we mean any defense article which, with another defense article or ammunition, is used to kill, wound, or destroy.

This phrase—implement of war—would, therefore, not include such items as jeeps, military trucks, ambulances,

first aid equipment, or canteens. Parenthetically, this item was brought up in debate yesterday in the House. In other words, any article which is not commonly used to kill, wound, or destroy would be excluded under this phrase. My colleagues can refer to section 644 of the Foreign Assistance Act of 1961 in its entirety for an understanding of the meaning of this legislation, and for more complete understanding of the meaning of the term "implements of war."

Let me illustrate further what I mean. Assume the Government of Turkey were to ship a boatload of hand grenades without firing pins to Cyprus on a Monday. Assume further the Government of Turkey were to ship a boatload of firing pins to Cyprus on a Tuesday. Under the definitions as found in section 644 of the Foreign Assistance Act of 1961 as now embodied in this resolution, each of these shipments would be prohibited.

Or, by way of example, suppose Turkey shipped over to Cyprus 10 jet planes without wheels and then later shipped over 10 sets of wheels to Cyprus. Each of these shipments would be prohibited under this resolution.

Mr. President, in conclusion I would like to reiterate that this unfortunate confrontation with the Executive has ended with a very significant accomplishment. It is not only an accomplishment of the Congress of the United States, it is an accomplishment for our system of government. The message that Congress will send today to Greece and Turkey alike is unmistakable: the aggression of Turkey is being repudiated by the American people. And the message we send to the American people is that no man is above the law.

On December 10, if Turkish troops have not totally withdrawn from the island of Cyprus, the President would not be within the intent of Congress were he to certify that Turkey was in compliance with the law. Military assistance to that nation would then be terminated. That point has been made clear by the authors of this prohibition in both Houses. After December 10, 1974, no military equipment or supplies can be transported to Turkey by any means, directly or indirectly, unless and until the President makes the two determinations and certifications required by this section.

The result of our action today is that from now on, the U.S. policy in the Cyprus matter will no longer be tilted toward Turkey. I am hopeful that in the period between now and December 10, our diplomats will be able to influence the parties to this tragic affair to negotiate. I am confident that those who are negotiating for the United States will be in a much stronger position to act as a mediator between the parties.

Mr. President, I yield the floor.

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shall be deemed to constitute compliance with the conditions established by this Act.

(c) Funds made available pursuant to provisions of law repealed by section 642(a)(2) and the Foreign Assistance Act of 1969,⁴⁷⁹ shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

(d) ⁴⁸⁰ * * * [Repealed—1962]

Sec. 644.⁴⁸¹ Definitions.—As used in this Act—

(a) "Agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

(b) "Armed Forces" of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(c) "Commodity" includes any material, article, supply, goods, or equipment used for the purposes of furnishing nonmilitary assistance.

(d) "Defense article" includes—

(1) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

(2) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(3) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair servicing storage, construction, transportation, operation, or use of any article listed in this subsection; or

(4) any component or part of any article listed in this subsection; but

shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, byproduct material, special nuclear material, production facilities, utilization facilities,⁴⁸² or atomic weapons or articles involving Restricted Data.⁴⁸²

(e) "Defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but shall not include Restricted Data⁴⁸³ as defined by the Atomic Energy Act of 1954, as amended, and data removed from the Restricted Data category under section 142d of that Act.

(f) "Defense service" includes any service, test, inspection, repair, training,⁴⁸⁴ publication, or technical or other assistance,⁴⁸⁴ or defense information used for the purposes of furnishing military assistance. "Training" includes formal or informal instruction of foreign students

⁴⁷⁹ Subsection (d) was repealed by Sec. 303(a) of the FAAct of 1962.

⁴⁸⁰ 22 USC § 2403.

⁴⁸¹ Sec. 303(a)(1) of the FAAct of 1967 added the words "production facilities, utilization facilities," and "or articles involving Restricted Data."

⁴⁸² Sec. 303(a)(2) of the FAAct of 1967 struck out the words "and formerly Restricted Data" which appeared after the words "Restricted Data," and added the words beginning "and data removed."

⁴⁸³ Sec. 303(a)(3)(A) of the FAAct of 1967 struck out the words "including orientation training aid" which appeared after the word "training". The words "including orientation training aid" were added by Sec. 303 of the FAAct of 1962. Sec. 303(a)(3)(A) of the FAAct of 1967 also struck out the words "including the transfer of limited quantities of defense information for test, evaluation, or standardization purposes," which appeared after the word "training."